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EXAMINER

DESIR, PIERRE LOUIS

ART UNIT PAPER NUMBER

2617

DATE MAILED: 05/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/748,143

Applicant(s)

BJORGAN ET AL.

Examiner

Pierre-Louis Desir

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 and 14-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-12 and 14-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

### *Response to Arguments*

2. Applicant's arguments filed on 02/09/2006 have been fully considered but they are not persuasive.

Applicants argue that Heinonen et al. fails to disclose that the received sender-personalized notification is stored in the recipient device in a digital repository of the recipient device in an entry corresponding to the sender device.

Examiner respectfully disagrees. Heinonen discloses In accordance with this invention, a calling user uses his/her phone to pre-select ringing information in the form of a ringing indication(s) from a data file whose sound information/visual information content is preferably known to all of, or at least some of, the telephone terminal users within the telephone system. As a feature of the invention this selection from the data file may be made by way of a well-known touchscreen. Once the selection(s) has been made, the caller dials the telephone number of the intended receiving user. The ringing information (or digital bits that represent and identify the ringing information) is then sent to the receiving user for example, on a call header that operates to set the receiving telephone terminal to receive the ringing information or to access the identified ringing indication from the data file; i.e., the selected portion of the data file and/or an indication/identification thereof is sent to the receiving telephone terminal. Ringing information, or a ringing information file is sent from a calling telephone to a receiving telephone. When a

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data address is sent, the data address tells the receiving telephone from where in a data file the ringing indication (for example, sound information and/or visual information) that was selected by the calling telephone is to be fetched (for example, from a data file in the receiving telephone, from a server, by way of a search path, etc.). Also, the receiving user may set the receiving telephone terminal to disable operation of the invention, or to store received or incoming calls along with the sent ringing information (see col. 3, lines 13-48).

Applicant further argues that Heinonen fails to disclose a sender personalized notification enabling mechanism configured to determine if a sender of a call sent a sender-personalized notification as a separate message at substantially the same time as placing the call.

Examiner respectfully disagrees with Applicants. Heinonen discloses a system wherein a file, or a search path for a file, a priority mark or bit (which may be a ringing tone file, an icon file, etc., and it may be an audio file such as a wav file, an image file such as bmp, a video file such as mp2, etc.) (see col. 2, lines 36-42) is sent with a telephone call that is placed by a calling telephone terminal to a receiving telephone terminal. Also, Heinonen discloses that the system determines whether or not selection of a ringing notification was included with the incoming call (see col. 8, line 66 through col. 9, line 7). Therefore, the rejection stands.

Applicants argue that Olschwang et al. fails to disclose that a recipient device is configured to determine if a phonebook includes an entry for the sender device and to store the sender personalized notification as a custom notification corresponding to an entry associated with the sender device such that the notification received as the sender personalized notification will be played by the recipient device when the recipient device receives a call from the sender device.

Examiner respectfully disagrees. Olschwang discloses a recipient device comprising a phonebook (i.e., caller ID or database which stores call originator identities) (see pages 5-6, and paragraph 67) wherein the tones providing system 206 can also identify the originator 201, for example according to a Caller ID (CLI) provided by the switch 203. In those cases when the call originator 201 is identified, according to one embodiment of the invention it is possible to select and provide a personalized configurable call progress tone aimed to the specific call originator 201 (see pages 5-6, paragraph 67).

Applicant is reminded that broadly written claims are broadly interpreted by Examiner.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, providing configurable call progress tones, as indicated by Olschwang, is adequate motivation to combine.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-40, 45 are rejected under 35 U.S.C. 102(e) as being anticipated by Heinonen et al. (Heinonen), U.S. Patent No. 6671370.

Regarding claim 1, Heinonen discloses a system for pushing a sender-personalized notification (see abstract), comprising: a sender device (i.e., handset 23) (see fig. 2); and a recipient device (i.e., handset 24) (see fig. 2), wherein the sender device is configured to select the sender-personalized notification (i.e., the user at handset 23 selects a ringing indication) (see col. 7, lines 22-25) and a destination for the sender-personalized notification corresponding to the recipient device (i.e., the user at handset 23 enter the telephone number of handset 24) (see col. 7, lines 43-44) and to send the sender-personalized notification to the recipient device (i.e., the selected ringing is sent to handset 24) (see col. 7, lines 47-48), and the recipient device is configured to receive the sender-personalized notification and to process the sender-personalized notification based on a type of the sender-personalized notification (i.e., handset 24 is activated in the manner of the ringing indication that was selected by the calling user at handset 23) (see col. 7, lines 49-67), and the received sender-personalized notification is stored in the recipient device in a digital repository of the recipient device in an entry corresponding to the sender device (see col. 3, lines 13-48).

Regarding claims 2 and 16, Heinonen discloses a system and a method (see claims 1 and 15 rejections) wherein the type of the sender-personalized notification comprises of a ring tone (see abstract).

Regarding claims 3 and 17, Heinonen discloses a system and a method (see claims 1 and 15 rejections) wherein the recipient device is further configured to play a ring tone sent as the

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sender-personalized notification on the recipient device when the type of the sender-personalized notification is a ring tone (see col. 9, lines 13-20, also refer to abstract as related to the ring tone selection).

Regarding claim 4, Heinonen discloses a system (see claim 1 rejection) wherein the sender device is further configured to place a call to the recipient device to be placed at substantially a same time as the sender-personalized notification is sent to the recipient device (i.e., the user at handset 23 dials the phone number of handset 24. prior to indicating to the user of handset terminal 24 that an incoming call has arrived, the selected ringing indication is fetched from data file, whereupon handset 24 is activated in accordance with the ringing indication selection that was made by the user at handset terminal 23. Thus, when the user dials the phone number of the recipient, the selected ringing indication is included with the call) (see col. 7, lines 59 through col. 8, line 7); and the recipient device is further configured to determine that the sender-personalized notification corresponds to the call and to process the sender-personalized notification with the call (see col. 8, line 66 through col. 9, line 7, and col. 9 lines 13-20).

Regarding claim 5, Heinonen discloses a system (see claim 1 rejection) wherein the sender device is further configured to send the sender-personalized notification to a plurality of recipient devices (see col. 6, lines 10-17).

Regarding claim 6, Heinonen discloses a system (see claim 1 rejection) wherein the sender-personalized notification comprises at least one of a notification and an identifier corresponding to the notification (i.e., ringing information includes sound, and digital bits which represent and identify the ringing information) (see col. 2, line 31; and col. 3, lines 22-23).

Regarding claim 7, Heinonen discloses a system (see claim 1 rejection) further comprising: a notification server (i.e., server) (see col. 2, line 66) configured to receive the sender-personalized notification and the destination from the sender device and to send the sender-personalized notification to the recipient device (see col. 9, lines 13-20; also refer to col. 4, lines 8-18).

Regarding claim 8, Heinonen discloses a system (see claim 1 rejection) wherein the notification server comprises a digital repository populated with entries defining selectable notifications (i.e., ringing information in the form of ringing indications from a data file in a server in the telephone system) (see col. 2, lines 65-67), and the sender-personalized notification comprises at least one of an identifier corresponding to at least one entry of the digital repository and a notification (see col. 2, lines 36-42).

Regarding claim 9, Heinonen discloses a system (see claim 1 rejection) wherein the sender-personalized notification is communicated between the notification server and at least one of the sender device and the recipient device as an MMS (i.e., as known in the system, Multimedia Message Service, a store-and-forward method of transmitting graphics, video clips, sound files and short text messages over wireless networks using the WAP protocol. Heinonen discloses that the file that is sent to the receiving telephone terminal may be a ringing tone file, an icon file, etc., and it may be an audio file such as a wav file, an image file such as bmp, a video file such as mp2, etc. thus, one skilled in the art would immediately envision that the notification communicated between the server and sender or the recipient as a MMS) (see col. 2, lines 36-42, and col. 4, lines 9-19).



Regarding claim 10, Heinonen discloses a system (see claim 1 rejection) wherein at least one of the sender device and the recipient device comprises a wireless device (i.e., Heinonen discloses that the invention relates to the field of wireless telecommunications; thus, one skilled in the art would unhesitatingly conceptualize that the handset described in the invention (see figs 1-2) may be a wireless device) (see col. 1, lines 11-12, col. 2, lines 61-63, and col. 4, lines 1-3).

Regarding claim 11, Heinonen discloses a system (see claim 1 rejection) wherein at least one of the sender device and the recipient device comprises a fixed line device (i.e., terminal dependent) (see figs. 1-2, col. 4, lines 3-4).

Regarding claim 12, Heinonen discloses a system (see claim 1 rejection) wherein the fixed line device comprises at least one of a telephone and a television set-top box (i.e., a calling telephone handset) (see figs. 1-2, abstract).

Regarding claim 13, Heinonen discloses a system (see claim 1 rejection) wherein the sender-personalized notification is stored in the recipient device in a digital repository (data file 22) of the recipient device in an entry corresponding to the sender device (i.e., the user at receiving handset terminal 24, who is also aware of the data file 22 protocol that is used within LAN telephone system 20, is provided with selected ringing indication(s), the selected ringing indication(s) being sent at the request of calling handset terminal 23 to announce the arrival of a incoming call at receiving handset terminal 24) (see col. 8, lines 1-7).

Regarding claim 14, Heinonen discloses a system (see claim 1 rejection) wherein the sender-personalized notification is stored in the recipient device in a digital repository (data file 22) of the recipient device in an entry corresponding to an entity associated with the sender device (see col. 8, lines 1-7).

Regarding claim 15, Heinonen discloses a method for pushing a sender-personalized notification with a call (see abstract), comprising the steps of: selecting the sender-personalized notification (i.e., the user at handset 23 selects a ringing indication) (see col. 7, lines 22-25); selecting a recipient phone number (i.e., the user at handset 23 enter the telephone number of handset 24) (see col. 7, lines 43-44); placing the call including sending the recipient phone number and sending the sender-personalized notification (i.e., the selected ringing is sent to handset 24) (see col. 7, lines 43-48); determining that the sender-personalized notification corresponds to the call (see col. 7, lines 62-65); and processing the sender-personalized notification based on a type of the sender-personalized message by a recipient device when the call is received (i.e., handset 24 is activated in the manner of the ringing indication that was selected by the calling user at handset 23) (see col. 7, lines 49-67), wherein the received sender-personalized notification is stored in the recipient device in a digital repository of the recipient device in an entry corresponding to the sender device (see col. 3, lines 13-48).

Regarding claim 18, Heinonen discloses a method (see claim 15 rejection) wherein the placing the call step comprises sending the sender-personalized notification as a multimedia messaging service (MMS) message (see col. 2, lines 36-42, and col. 4, lines 9-19. Also, refer to claim 9 rejection).

Regarding claim 19, Heinonen discloses a wireless device (i.e., Heinonen discloses that the invention relates to the field of wireless telecommunications; thus, one skilled in the art would unhesitatingly conceptualize that the handset described in the invention (see figs 1-2) may be a wireless device) (see col. 1, lines 11-12, col. 2, lines 61-63, and col. 4, lines 1-3) comprising: a processor (i.e., control means) (see col. 10, line 63); and a computer readable

medium encoded with processor readable instructions (inherent) that when executed by the processor implement a sender-personalized notification selection mechanism configured to select a notification as the sender-personalized notification to be sent to a recipient device with a call placed by the wireless device (i.e., the user at handset 23 selects a ringing indication) (see col. 7, lines 22-25), and a call placing mechanism configured to send the sender-personalized notification when the call is placed to the recipient device (i.e., the user at handset 23 enter the telephone number of handset 24, and the selected ringing is sent to handset 24) (see col. 7, lines 43-48), wherein the received sender-personalized notification is stored in the recipient device in a digital repository of the recipient device in an entry corresponding to the wireless device (see col. 3, lines 13-48).

Regarding claim 20, Heinonen discloses a device (see claim 19 rejection) the call placing mechanism is further configured to send the sender-personalized notification as a multimedia messaging service (MMS) message (see col. 2, lines 36-42, and col. 4, lines 9-19. Also, refer to claim 9 rejection).

Regarding claim 21, Heinonen discloses a fixed line device (i.e., terminal dependent device, or calling telephone handset) (see abstract, figs. 1-2, col. 4, lines 3-4), comprising: a processor (i.e., control means) (see col. 10, line 63); and a computer readable medium encoded with processor readable instructions (inherent) that when executed by the processor implement a sender-personalized notification selection mechanism configured to select a notification as the sender-personalized notification to be sent to a recipient device with a call placed by the fixed line device (i.e., the user at handset 23 selects a ringing indication) (see col. 7, lines 22-25), and a call placing mechanism configured to send the sender-personalized notification when the call is

placed to the recipient device (i.e., the user at handset 23 enter the telephone number of handset 24, and the selected ringing is sent to handset 24) (see col. 7, lines 43-48), wherein the received sender-personalized notification is stored in the recipient device in a digital repository of the recipient device in an entry corresponding to the fixed line device (see col. 3, lines 13-48).

Regarding claim 22, Heinonen discloses a device (see claim 21 rejection) wherein: the call placing mechanism is further configured to send the sender-personalized notification as a multimedia messaging service (MMS) message (see col. 2, lines 36-42, and col. 4, lines 9-19. Also, refer to claim 9 rejection).

Regarding claim 23, Heinonen discloses a wireless device (refer to claim 19 reasoning) comprising: a processor (i.e., control means) (see col. 10, line 63); and a computer readable medium encoded with processor readable instructions (inherent) that when executed by the processor implements a sender-personalized message processing mechanism configured to process a sender-personalized notification received with a call (i.e., handset 24 is activated in the manner of the ringing indication that was selected by the calling user at handset 23) (see col. 7, lines 49-67), wherein the received sender-personalized notification is stored in the recipient device in a digital repository of the recipient device in an entry corresponding to the sender device (see col. 3, lines 13-48).

Regarding claim 24, Heinonen discloses a device (see claim 23 rejection) wherein the sender-personalized notification processing mechanism is further configured to play a ring tone sent as the sender-personalized notification on the wireless device when a type of the sender-personalized message is a ring tone (see col. 9, lines 13-20, also refer to abstract as related to the ring tone selection).

Regarding claim 25, Heinonen discloses a device (see claim 23 rejection) wherein the sender-personalized message processing mechanism is further configured to process the sender-personalized notification based on a type of the sender-personalized notification (see col. 7, lines 49-67), and the type of the sender-personalized notification is a ring tone (see abstract).

Regarding claim 26, Heinonen discloses a fixed line device (see abstract, figs. 1-2, col. 4, lines 3-4) comprising: a processor (i.e., control means) (see col. 10, line 63); and a computer readable medium encoded with processor readable instructions (inherent) that when executed by the processor implements a sender-personalized message processing mechanism configured to process a sender-personalized notification received with a call i.e., handset 24 is activated in the manner of the ringing indication that was selected by the calling user at handset 23) (see col. 7, lines 49-67), wherein the received sender-personalized notification is stored in the recipient device in a digital repository of the recipient device in an entry corresponding to the sender device (see col. 3, lines 13-48).

Regarding claim 27, Heinonen discloses a device (see claim 26 rejection) wherein the sender-personalized notification processing mechanism is further configured to play a ring tone sent as the sender-personalized notification on the fixed line device when a type of the sender-personalized message is a ring tone (see col. 9, lines 13-20, also refer to abstract as related to the ring tone selection).

Regarding claim 28, Heinonen discloses a device (see claim 26 rejection) wherein the sender-personalized message processing mechanism is further configured to process the sender-personalized notification based on a type of the sender-personalized notification (see col. 7, lines 49-67), and the type of the sender-personalized notification is a ring tone (see abstract).

Regarding claim 29, Heinonen discloses a product comprising: a computer storage medium (see abstract, figs. 1-2); and a computer program code mechanism (inherent) embedded in the computer storage medium for causing a processor (i.e., control means) (see col. 10, line 63) to select and send a sender-personalized notification to a recipient device when placing a call (i.e., the user at handset 23 selects a ringing indication) (see col. 7, lines 22-25), the computer program code mechanism having a first computer code device configured to select a notification as the sender-personalized notification to be sent to a recipient device with the call placed by a sender device (see col. 7, lines 22-39), and a second computer code device configured to send the sender-personalized notification when the call is placed to the recipient device (i.e., the user at handset 23 enter the telephone number of handset 24, and the selected ringing is sent to handset 24) (see col. 7, lines 43-48), wherein the received sender-personalized notification is stored in the recipient device in a digital repository of the recipient device in an entry corresponding to the sender device (see col. 3, lines 13-48).

Regarding claim 30, Heinonen discloses a product (see claim 29 rejection) wherein the second computer code device is further configured to send the sender-personalized notification as a multimedia messaging service (MMS) message (see col. 2, lines 36-42, and col. 4, lines 9-19. Also, refer to claim 9 rejection).

Regarding claim 31, Heinonen discloses a product comprising: a computer storage medium (see abstract, figs. 1-2); and a computer program code (inherent) mechanism embedded in the computer storage medium for causing a processor (i.e., control means) (see col. 10, line 63) to process a sender-personalized notification received with a call (i.e., handset 24 is activated in the manner of the ringing indication that was selected by the calling user at handset 23) (see

col. 7, lines 49-67), the computer program code mechanism having a first computer code device configured to process the sender-personalized notification received with the call (see col. 7, lines 49-67), wherein the received sender-personalized notification is stored in the recipient device in a digital repository of the recipient device in an entry corresponding to the sender device (see col. 3, lines 13-48).

Regarding claim 32, Heinonen discloses a product (see claim 31 rejection) wherein the first computer code device is further configured to play a ring tone sent as the sender-personalized notification when a type of the sender-personalized notification is a ring tone (see col. 9, lines 13-20, also refer to abstract as related to the ring tone selection).

Regarding claim 33, Heinonen discloses a product (see claim 31 rejection) wherein the first computer code device is further configured to process the sender-personalized notification based on a type of the sender-personalized notification (see col. 7, lines 22-39, and lines 49-67), and the type of the sender-personalized notification is a ring tone (see abstract).

Regarding claim 34, Heinonen discloses a method for pushing a sender-personalized notification with a call (see abstract), comprising: means for selecting the sender-personalized notification (i.e., the user at handset 23 selects a ringing indication) (see col. 7, lines 22-25); means for selecting a recipient phone number (i.e., the user at handset 23 enter the telephone number of handset 24) (see col. 7, lines 43-44); means for placing the call including sending the recipient phone number and sending the sender-personalized notification (i.e., the selected ringing is sent to handset 24) (see col. 7, lines 43-48); means for determining that the sender-personalized notification corresponds to the call (i.e., handset 24 is activated in the manner of the ringing indication that was selected by the calling user at handset 23) (see col. 7, lines 49-67);

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and means for processing the sender-personalized notification based on a type of the sender-personalized message by a recipient device when the call is received (see col. 7, lines 49-67), wherein the received sender-personalized notification is stored in the recipient device in a digital repository of the recipient device in an entry corresponding to the sender device (see col. 3, lines 13-48).

Regarding claim 35, Heinonen discloses a system (see claim 1 rejection) wherein the recipient device is further configured to process a software upgrade sent as the sender-personalized notification on the recipient device when the type of the sender-personalized message is a software upgrade (i.e., when the incoming call is the result of the operation of FIG. 3 function 305, NO output 403 of decision function 402 enables function 404 to announce or signal the arrival of the incoming call using a standard ringing tone at telephone terminal 24. However, when the incoming call is the result of the operation of FIG. 3 function 323, the YES output 405 of decision function 402 enables function 406 to fetch the selected ringing indication from data file 22, followed by function 407 operating to announce or signal the arrival of the incoming call by playing and/or displaying (i.e., by using) the selected ringing indication at telephone terminal 24, as was selected at function 307 of FIG. 3. Thus, when the user at handset 23 does not select a ringing notification, a standard ringing tone is heard at handset 24. However, when the user at handset 24 selects a ringing indication (newly selected tone), which inherently is an upgraded indication from the standard indication, this newly selected and upgraded indication (software upgrade) is sent to handset 24) (see col. 8-20).

Regarding claim 36, Heinonen discloses a method (see claim 15 rejection) wherein the processing step comprises processing a software upgrade on the recipient device when the type



of the sender-personalized notification is a software upgrade (refer to claim 35 reasoning) (see col. 8-20).

Regarding claim 37, Heinonen discloses a wireless device (see claim 23 rejection) wherein the sender-personalized notification processing mechanism is further configured to process a software upgrade sent as the sender-personalized notification on the wireless device when a type of the sender-personalized notification is a software upgrade (refer to claim 35 reasoning) (see col. 8-20).

Regarding claim 38, Heinonen discloses a product (see claim 31 rejection) wherein the first computer code device is further configured to process a software upgrade sent as the sender-personalized notification when a type of the sender-personalized notification is a software upgrade (refer to claim 35 reasoning) (see col. 8-20).

Regarding claim 39, Heinonen discloses a mobile switching center (as known in the system, mobile switching center is a part of GSM, TDMA, CDMA, and cellular network. Heinonen discloses that the invention in a global system for mobile communication, and in a cellular system, wherein mobile switching center is included) (see col. 2, lines 61-63, and col. 4, lines 14-18) comprising: a processor (i.e., control means) (see col. 10, line 63); and a computer readable medium encoded with processor readable instructions that when executed by the processor (inherent) implement a sender-personalized notification enabling mechanism configured to determine if a sender of a call sent a sender-personalized notification as a separate message at substantially a same time as placing the call (i.e., decision function 402) (see col. 2, lines 36-42, and col. 8, lines 66 through col. 9, line 7), and a sender-personalized notification pushing mechanism configured to send the sender-personalized notification at substantially a

same time as the call is routed to a recipient of the call (i.e., the user at handset 23 dials the phone number of handset 24. prior to indicating to the user of handset terminal 24 that an incoming call has arrived, the selected ringing indication is fetched from data file, whereupon handset 24 is activated in accordance with the ringing indication selection that was made by the user at handset terminal 23. Thus, when the user dials the phone number of the recipient, the selected ringing indication is included with the call) (see col. 7, lines 59 through col. 8, line 7).

Regarding claim 40, Heinonen discloses a mobile switching center (see claim 39 rejection) wherein the sender-personalized message comprises a multimedia messaging service (MMS) message (see col. 2, lines 36-42, and col. 4, lines 9-19. Also, refer to claim 9 rejection).

Regarding claim 45, Heinonen discloses a fixed line device (see claim 26 rejection) wherein the sender-personalized notification processing mechanism is further configured to process a software upgrade sent as the sender-personalized notification on the fixed line device when a type of the sender-personalized notification is a software upgrade (refer to claim 35 reasoning) (see col. 8-20).

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinonen in view of Olschwang et al. (Olschwang), Pub. No. US 20040174983.

Regarding claims 42, Heinonen discloses a system (see claim 1 rejection) comprising a recipient device (see claim 1 rejection) wherein a sender-personalized notification will be played by the recipient device when the recipient device receives a call from the sender device (see col. 9, lines 13-20).

Although Heinonen discloses a device as described, Heinonen does not specifically disclose recipient device comprises a phonebook; and the recipient device is further configured to determine if the phonebook includes an entry for the sender device, and to store the sender-personalized notification as a custom notification corresponding to an entry associated with the sender device such that the notification received as the sender-personalized notification will be played by the recipient device when the recipient device receives a call from the sender device.

However, Olschwang discloses a recipient device comprising a phonebook (i.e., caller ID or database which stores call originator identities) (see pages 5-6, and paragraph 67) wherein the tones providing system 206 can also identify the originator 201, for example according to a Caller ID (CLI) provided by the switch 203. In those cases when the call originator 201 is identified, according to one embodiment of the invention it is possible to select and provide a personalized configurable call progress tone aimed to the specific call originator 201 (see pages 5-6, paragraph 67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine implement the teachings as described by Olschwang with teachings of Heinonen to arrive at the claimed invention. A motivation for doing so would have been to provide configurable call progress tones (see page 1, paragraph 3).

Regarding claim 42, Heinonen discloses a method as described above (see claim 15 rejection).

Although Heinonen discloses a method as described, Heinonen does not specifically disclose a method further comprising the steps of: determining if a phonebook of the recipient device includes an entry for a sender of the call; storing the sender-personalized notification as a custom notification corresponding to an entry associated with the sender of the call; and playing by the recipient device the custom notification when the recipient device receives a call from the sender of the call.

However, Olschwang discloses method wherein a recipient device comprising a phonebook (i.e., caller ID or database which stores call originator identities) (see pages 5-6, and paragraph 67), and wherein the tones providing system 206 can also identify the originator 201, for example according to a Caller ID (CLI) provided by the switch 203. In those cases when the call originator 201 is identified, according to one embodiment of the invention it is possible to select and provide a personalized configurable call progress tone aimed to the specific call originator 201 (see pages 5-6, paragraph 67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine implement the teachings as described by Olschwang with teachings of Heinonen to arrive at the claimed invention. A motivation for doing so would have been to provide configurable call progress tones (see page 1, paragraph 3).

Regarding claim 43, Heinonen discloses a wireless device as described above (see claim 23 rejection).

Although Heinonen discloses a device as described, Heinonen does not specifically disclose a device wherein the sender-personalized notification processing mechanism is further configured to determine if a phonebook of the wireless device includes an entry for a sender of the call, and to store the sender-personalized notification as a custom notification corresponding to an entry associated with the sender of the call such that the custom notification will be played by the wireless device when the wireless device receives a call from the sender of the call.

However, Olschwang discloses method wherein a recipient device comprising a phonebook (i.e., caller ID or database which stores call originator identities) (see pages 5-6, and paragraph 67), and wherein the tones providing system 206 can also identify the originator 201, for example according to a Caller ID (CLI) provided by the switch 203. In those cases when the call originator 201 is identified, according to one embodiment of the invention it is possible to select and provide a personalized configurable call progress tone aimed to the specific call originator 201 (see pages 5-6, paragraph 67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine implement the teachings as described by Olschwang with teachings of Heinonen to arrive at the claimed invention. A motivation for doing so would have been to provide configurable call progress tones (see page 1, paragraph 3).

Regarding claim 44, Heinonen discloses a fixed line device as described above (see claim 26 rejection).

Although Heinonen discloses a device as described, Heinonen does not specifically disclose a device wherein the sender-personalized notification processing mechanism is further configured to determine if a phonebook of the fixed line device includes an entry for a sender of

the call, and to store the sender-personalized notification as a custom notification corresponding to an entry associated with the sender of the call such that the custom notification will be played by the fixed line device when the fixed line device receives a call from the sender of the call.

However, Olschwang discloses method wherein a recipient device comprising a phonebook (i.e., caller ID or database which stores call originator identities) (see pages 5-6, and paragraph 67), and wherein the tones providing system 206 can also identify the originator 201, for example according to a Caller ID (CLI) provided by the switch 203. In those cases when the call originator 201 is identified, according to one embodiment of the invention it is possible to select and provide a personalized configurable call progress tone aimed to the specific call originator 201 (see pages 5-6, paragraph 67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine implement the teachings as described by Olschwang with teachings of Heinonen to arrive at the claimed invention. A motivation for doing so would have been to provide configurable call progress tones (see page 1, paragraph 3).

### ***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period


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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is (571) 272-779. The examiner can normally be reached on Monday-Friday 8:00AM- 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Pierre-Louis Desir  
04/28/2006

**JEAN GELIN**  
**PRIMARY EXAMINER**

